

ALAN R. BRAYTON, ESQ., S.B. #73685
 DAVID R. DONADIO, ESQ., S.B. #154436
 RICHARD M. GRANT, ESQ., S.B. #55677
 BRAYTON♦PURCELL LLP
 Attorneys at Law
 222 Rush Landing Road
 P.O. Box 6169
 Novato, California 94948-6169
 (415) 898-1555

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN CALIFORNIA OF CALIFORNIA

GERALDINE HILT, as Wrongful Death
 Heir, and as Successor-in-interest to
 ROBERT HILT, Deceased; and
 SHERLYN HILT, KRISHA TINDALL,
 DARPHINE ROLAND, and KIMBERLY
 CRAWFORD, as Legal Heirs of ROBERT
 HILT, Deceased,

Plaintiffs,

vs.

C.C. MOORE & CO. ENGINEERS; et al.,

Defendants

No. 4:10-cv-05844 CW

STIPULATION TO REMAND ACTION
 TO STATE COURT AND ORDER
 THEREON

[Local Rules 7-1 and 7-12; FRCP 41]

Date: March 3, 2011

Time: 2:00 p.m.

Courtroom: 2, 4th floor

Judge: Hon. Claudia Wilken

Comes now Plaintiffs GERALDINE HILT, as Wrongful Death Heir, and as Successor-
 in-interest to ROBERT HILT, Deceased; and SHERLYN HILT, KRISHA TINDALL,
 DARPHINE ROLAND, and KIMBERLY CRAWFORD, as Legal Heirs of ROBERT HILT,
 Deceased, (“Plaintiffs”) and Defendant OTIS ELEVATOR COMPANY (“OTIS”), who file the
 following joint stipulation pursuant to Local Rules 7-1 and 7-12:

WHEREAS, Defendant OTIS removed this case to the United States District Court for
 the Northern District of California on December 22, 2010, on the ground that the Court has
 “federal officer” subject matter jurisdiction under 28 U.S.C. section 1442(a) based on
 Plaintiffs’ allegations that decedent’s injury was caused by alleged exposure to asbestos in

1 OTIS's products on various U.S. Navy vessels, and on defendant's allegations that the products
2 were manufactured under the supervision and control of the United States government; and

3 WHEREAS, Defendant OTIS was the sole removing defendant and no other defendant
4 joined in removal or filed a separate notice of removal; and

5 WHEREAS, Plaintiffs and Defendant OTIS, the affected parties, have now reached a
6 resolution of Plaintiffs' claims against OTIS whereby Plaintiffs agree to waive all claims
7 against claims against OTIS relating to or arising out of plaintiff's asbestos exposure at
8 military jobsites or aboard U.S. Navy vessels; and

9 WHEREAS, Plaintiffs will file a formal waiver of said claims with the Court prior to
10 the filing of this Stipulation; and

11 WHEREAS, Defendant OTIS'S desire for a federal forum for this action is now moot
12 given the resolution of the aforesaid claims against it; and

13 WHEREAS, pursuant to the parties' resolution, Plaintiffs and Defendant OTIS seek to
14 have this action remanded to state court,

15 IT IS HEREBY STIPULATED by the affected parties, Plaintiffs and Defendant OTIS
16 that this action shall be, and hereby is immediately remanded to the San Francisco County
17 Superior Court, the court in which it was originally filed and from which it was removed.

18 Dated: February ____, 2011

BRAYTON ♦PURCELL LLP

19
20 By: _____
21 Richard Grant
22 Attorneys for Plaintiffs

23 Dated: February ____, 2011

TUCKER ELLIS & WEST LLP

24
25 By: _____
26 Lance D. Wilson
27 Attorneys for Defendant
28 OTIS ELEVATOR COMPANY

PURSUANT TO STIPULATION, IT IS SO ORDERED.

This case is REMANDED to the Superior Court of California, County of San Francisco, Case No. CGC-10-275703. The Clerk shall send a certified copy of this Order to the Clerk of the Court for the Superior Court of California, County of San Francisco.

Dated: March 1, 2011

By: 
CLAUDIA WILKEN
United States District Judge